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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHRISTINE A. MAXEY, M.D.,
RESPONDENT.

ORDER OF SUMMARY SUSPENSION

The Petition for Summary Suspension of November 24, 1992, in the above referenced matter, came on for hearing on November 30, 1992 at 1:30 p.m., as duly noticed in the Notice of Presentation of Petition for Summary Suspension, which notice is dated November 24, 1992. Attorney John R. Zwieg appeared for the Complainant, Department of Regulation and Licensing, Division of Enforcement. Neither the Respondent, nor anyone on her behalf, appeared at the time and place noticed.

The Wisconsin Medical Examining Board having considered: the sworn Petition for Summary Suspension; the Affidavits of Service of John R. Zwieg, which are dated November 24 and 25, 1992; the testimony of Investigator Stuart Engerman regarding his telephone conversations with Dr. Braus; and, having heard the arguments of counsel, hereby makes, the following:

FINDINGS OF FACT

1. Christine A. Maxey, M.D., Respondent herein, (D.O.B. 3/13/62) is duly licensed as a physician to practice medicine and surgery in the State of Wisconsin, pursuant to license number 30459, which license was first granted on 7/1/89.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 409 N. Eau Claire Avenue, #208, Madison, WI 53705.
3. On November 24, 1992, copies of the Notice of Presentation of Petition for Summary Suspension and Petition for Summary Suspension dated November 24, 1992 were sent by regular mail to Respondent at the 409 N. Eau Claire Avenue, #208, Madison, WI 53705 address.
4. On November 25, 1992, Respondent's psychiatrist advised Investigator Stuart Engerman of the Division of Enforcement that Respondent's present address is 11202 W. National Avenue, #205, West Allis, WI 53227.
5. On November 25, 1992, copies of the Notice of Presentation of Petition for Summary Suspension and Petition for Summary Suspension dated November 24, 1992 were sent by regular mail to Respondent at the 11202 W. National Avenue, #205, West Allis, WI 53227 address.
6. That since May of 1992, the Respondent has been a patient of Anthony J. Braus, M.D., Associate Professor in the University of Wisconsin-Madison Medical School, Department of Psychiatry, who is a Board-certified psychiatrist.

7. That while Respondent was under Dr. Braus' care, Respondent developed a severe psychotic depression for which she ultimately received electroconvulsive therapy (ECT) in October of 1992.

8. That Respondent responded extremely well to the ECT and was able to begin work as a physician the first of November, 1992.

9. That Respondent's employment position was with the Medical College of Wisconsin as a staff physician in the Department of Rehabilitation Medicine.

10. That in mid-November, the Respondent developed symptoms even more severe than she had previously and as of November 23, 1992, Respondent was having nearly continuous auditory and visual hallucinations as well as delusional ideation, a great deal of agitation, and suicidal ideation.

11. That as recently as November 23, 1992 Respondent insisted on continuing working as physician, though she was exhausted, had great difficulty concentrating, and was having a great deal of difficulty exercising judgment.

12. That it was Dr. Braus' opinion to a reasonable degree of medical certainty that on November 23, 1992 Respondent was not able to practice medicine competently in her present condition and that her condition posed an immediate danger both to herself and her patients.

13. That as of November 24, 1992, Respondent had refused to comply with Dr. Braus' recommendations for treatment. She would not consent to a repeat course of ECT. She would not take psychotropic medications reliably. She refused to be hospitalized.

14. That on November 25, 1992, Respondent told Dr. Braus that she would hospitalize herself on December 1, 1992. However, because of Respondent's psychiatric condition the Board can not rely on Respondent's statement that she will hospitalize herself and can not be assured that Respondent will remain in treatment even if she is admitted into inpatient treatment on December 1, 1992.

15. Sec. 448.01(11), Wis. Stats., defines unprofessional conduct to be those acts or attempted acts of commission or omission defined as unprofessional conduct by the board, under its rule making authority.

16. Wis. Adm. Code sec. MED 10.02(2)(i) defines unprofessional conduct to include: "practicing or attempting to practice under any license while unable to do so with reasonable skill and safety to patients."

17. That by practicing under her license while suffering from a psychiatric illness which impairs her exercise of judgment, Respondent has violated Wis. Adm. Code sec. MED 10.02(2)(i) and the provisions of Chapter 448 of the Wisconsin Statutes.

18. That Respondent by attempting to practice medicine and surgery while suffering from a psychiatric illness which prevents her from practicing competently and which poses a great deal of immediate danger to herself and her patients, has exhibited behavior which makes it necessary to suspend her license immediately to protect the public health, safety and welfare.

19. That the evidence presented and used as the basis for this Summary Suspension Order, is: the November 24, 1992 Petition for Summary Suspension verified by John R. Zwieg; the November 24 and 25, 1992 Affidavits of Service of John R. Zwieg; and, the testimony of Stuart Engerman regarding his November 24 and 25, 1992 telephone conversations with Dr. Braus.

CONCLUSIONS OF LAW

1. That the Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Wis. Stats.

2. That the Wisconsin Medical Examining Board has authority to summarily suspend a license to practice medicine and surgery pursuant to sections 227.53(3) and 448.02(4), Wis. Stats. and Wis. Adm. Code chapter RL6.

3. Wis. Adm. Code sec. MED 10.02(2)(i) defines unprofessional conduct to include: "practicing or attempting to practice under any license while unable to do so with reasonable skill and safety to patients."

4. That by practicing medicine and surgery under her license while suffering from a psychiatric illness which prevents her from practicing competently, Respondent has violated Wis. Adm. Code sec. MED 10.02(2)(i) and the provisions of Chapter 448 of the Wisconsin Statutes.

5. That there is probable cause to believe that Respondent has violated the provisions of chapter 448, Wis. Stats.

6. That it is necessary to suspend Respondent's license to practice medicine and surgery immediately to protect the public health, safety and welfare.

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED, that the license to practice medicine and surgery in the State of Wisconsin of Christine A. Maxey, M.D. be and is hereby summarily suspended, effective immediately.

IT IS FURTHER ORDERED, that this Order continues to be in effect for 30 days pending hearing, and, while the hearing is in progress, can be extended for an additional 30 days.

IT IS FURTHER ORDERED, that if the Respondent causes a delay in the hearing process of the disciplinary proceeding against Respondent, the Administrative Law Judge assigned to the matter may continue the suspension from the time the hearing is commenced until a final decision is issued by the Board.

IT IS FURTHER ORDERED, that Respondent is hereby notified of her right, pursuant to Wis. Adm. Code sec. RL 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Wisconsin Medical Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

IT IS FURTHER ORDERED, that in the event that Respondent requests a hearing to show cause why the summary suspension order should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

Dated at Madison, Wisconsin this 30th day of November, 1992.



B. Ann Nevaizer
Secretary
Wisconsin Medical Examining Board

ATY2-3570